

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                           Case No. 4:19 CR 380 CDP  
                                  )  
JOHNATHAN BROWN,            )  
                                  )  
Defendant.                    )

**ORDER**

This matter is before the Court on defendant Jonathan Brown's Motion to Suppress Evidence & Identification. All pretrial motions in this case were referred to United States Magistrate John M. Bodenhausen under 28 U.S.C. § 636(b).

After holding an evidentiary hearing and considering the parties' briefs, Magistrate Judge Bodenhausen entered a Report and Recommendation, which recommended that the motion be denied. Defendant has not filed any objections to the Report and Recommendation and his time for doing so has expired.

After fully considering the motion and the Report and Recommendation, the Court will adopt and sustain the thorough reasoning of Magistrate Judge Bodenhausen set forth in support of his recommended rulings.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [158] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant's motion to suppress evidence and identification [#72] is denied.

**IT IS FURTHER ORDERED** that this case remains set for jury trial on January 10, 2022 at 8:30 a.m.

**IT IS FURTHER ORDERED** that a **final pretrial hearing** will be held on **Wednesday, December 15, 2021 at 11:00 a.m. IN PERSON in Courtroom 3-North.** At that hearing the parties will be expected to discuss the length of the trial and any evidentiary or other issues that may arise during trial, and to make a record of any plea offers that may have been made by the government and rejected by defendant as discussed in *Missouri v. Frye*, 566 U.S. 133, 145-47 (2012).

**IT IS FURTHER ORDERED** that Counsel are reminded that the number of jury trials that can be held at this time is severely limited because of the continuing need to observe COVID protocols and the need to limit the number of people in the Courthouse at any given time. Therefore, if for any reason they do not believe this case should be reached on the date it is set, they are urged to file—**as soon as possible and in any event well before the final pretrial**

**hearing**—any appropriate motions to continue or to set the case for a change of plea. Their failure to do so could result in the waste of Court resources and the unnecessary delay of other cases that need to go to trial.



Catherine D. Perry  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 7th day of December, 2021.